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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 CHRIS HURTADO,

10 Plaintiff,

11 v.

12 M/V NORTHERN HAWK, her tackles,  
13 appurtenances, cargo, *In Rem*, et al.,

14 Defendants.

C08-871Z

MINUTE ORDER

15  
16 The following Minute Order is made by direction of the Court, the Honorable Thomas  
17 S. Zilly, United States District Judge:

18 (1) Defendants' motion to dismiss, docket no. 18, is DENIED. Although  
19 plaintiff's and/or his counsel's failure to timely respond to discovery requests is sanctionable  
20 behavior, the Court does not view such noncompliance as warranting dismissal at this time.  
21 *See Payne v. Exxon Corp.*, 121 F.3d 503 (9th Cir. 1997) (outlining the standard for dismissal  
22 based on discovery violations).

23 (2) Defendants' request to continue the trial date is GRANTED. The following  
24 dates and deadlines are continued as follows:

• BENCH TRIAL DATE	APRIL 5, 2010
• Discovery completion date	December 21, 2009
• Dispositive motions filing deadline	January 14, 2010
• Settlement conference / mediation deadline	March 5, 2010
• Motions in limine filing deadline	March 11, 2010
• Agreed pretrial order due	March 23, 2010
• Pretrial conference scheduled for	March 26, 2010, at 2:30 p.m.
• Trial briefs, proposed findings of fact and conclusions of law, and deposition testimony designations due	March 30, 2010

1 All terms and conditions, and all dates not inconsistent herewith, contained in the Minute  
2 Order Setting Trial Date and Related Dates, docket no. 9, shall remain in full force and  
3 effect.

4 (3) Plaintiff shall provide responses to all outstanding discovery requests by July  
5 15, 2009, and shall make himself available for deposition by August 1, 2009.

6 (4) In light of his failure to disclose any expert before the deadline for doing so set  
7 forth by the Court, plaintiff is prohibited from designating any expert and he will not be  
8 allowed to call any expert as a witness at trial.

9 (5) Plaintiff's counsel shall SHOW CAUSE by July 24, 2009, why he and/or his  
10 client should not be sanctioned in the amount of \$10,000 for failing to comply with the rules  
11 concerning discovery and this Court's Minute Order dated May 20, 2009 (docket no. 17).  
12 Absent a timely and persuasive response, the Court will impose such sanction, with a  
13 cashier's check in such amount to be made jointly payable to American Seafoods Company  
14 LLC and the firm of Gaspich & Williams PLLC.

15 (6) Plaintiff and plaintiff's counsel are hereby provided notice that further  
16 disregard for the Court's rules and orders will be considered adequate grounds for exclusion  
17 of evidence, imposition of monetary sanctions, and/or dismissal of this action.

18 (7) The Clerk is directed to send a copy of this Minute Order to all counsel of  
19 record.

20 Filed and entered this 2nd day of July, 2009.

21 BRUCE RIFKIN, Clerk

22 s/ Claudia Hawney  
23 By \_\_\_\_\_  
24 Claudia Hawney  
25 Deputy Clerk  
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